IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO s.: 24401, 24843, 25490, 25560 of 2001

And

WRIT PETITON NO. 5709 OF 2002.

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WRIT PETITION NO.24401 OF 2001:

Between:

1. Y. Manohar Chowdary, S/o Y.S.Chowdary, aged 40 years, R/o 601, Erramanjil Colony, Punjagutta, Hyderabad.
2. Y.Uma Devi W/o Y.Manohar Chowdary, aged 32 years, R/o 601, Erramanjil Colony, Punjagutta, Hyderabad.

..... PETITIONERS

AND

1. Government of Andhra Pradesh Rep. By its Secretary, Revenue Department, Secretariat, Hyderabd.
2. The District Collector, Hyderabad District, Hyderabad.
3. The Mandal Revenue Officer, Sheikpet, Mandal, Banajara Hills,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the petitioners' carrying on the construction activity in Plot No.91-C, Sagar Cooperative Housing Society Limited, Road No.2, Banjara Hills, Hyderabad forming part of SurveyNos.129/97 and 129/110 of Sheikpet village, Hyderabad in accordance with the sanctioned plan and consequently direct the respondents to refrain from interfering with the construction activity without obtaining appropriate order from a competent Court.

Counsel for the Petitioners: MR.B.ADINARAYANA RAO

For the Respondents: GP FOR REVENUE

WRIT PETITION NO. 24843 OF 2001:

Between:

N.V.V.N. Satyanarayana S/o late N.V. Subba Rao,

Aged 46 years, R/o Madhurananagar, Hyderabad.

..... PETITIONER

AND

The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more especially one in the nature of Mandamus directing the respondent not to interfere with the construction of the petitioner in his Plot No.72, Sagar Co-operative Housing Society, comprising in S.No.129/97, S.No.129/110, Road No.2, Shaikpet village, Banjara Hills, as per the sanctioned plan given by the Municipal Corporation of Hyderabd.

Counsel for the Petitioner:MR. P. SRIRAGHURAM

For the Respondent : GP FOR REVENUE

WRIT PETITION NO.25490 OF 2001:

Between:

Thummalakunta Jayanarasimhulu, S/o T.Narsasimhulu Chetty, aged

About 77 years, Pensioner, Resident of D.No.740-A, Road No.37,

Jubilee Hills, Hyderabad, represented by its General Power of Attorney holder

Gorri,parthi Ranga Rao S/o G.V. Raghavaiah, aged about 40 years, Business, Resident

Of Plot No.203, King's Residency, Srinagar Colony, Hyderabad.

..... PETITIONER

AND

1.Government of Andhra Pradesh Rep. By its Secretary, Revenue Department, Secretariat, Hyderabd.

2.The District Collector, Hyderabad District, Hyderabad.

3.The Mandal Revenue Officer, Sheikpet, Mandal, Banajara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents herein in interfering with the petitioners carrying on the constructions activity in the premises bearing Municipal No.8-2-269/S/47 on plot No.47 of Sy.No.129/97 and Sy.No.29/110 of Shaikpet village situated at Sagar Cooperative Housing Society Limited, Road No.2, Banjara Hills, Hyderabad in spite of the sanctioned plan of the Municipal Corporation of Hyderabad vide permit No. 193/9/2000 in File No.269/S/47/2/8/2001, dated 24-09-2001, as illegal, arbitrary and unjust by issuing appropriate writ, order or direction.

Counsel for the Petitioner:MR.M.V.S. SURESH KUMAR,

For the Respondents: GP FOR REVENUE

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WRIT PETITION NO.25560 OF 2001:

Between:

1. J.Suresh S/o late J.L.N. Sastry, aged about 47 years, Business,

R/o Hyderabad.

2. Smt. J. Indira W/o Suresh, aged about 40 years, Housewife, R/o Hyderabad.

..... PETITIONERS

AND

1.Government of Andhra Pradesh Rep. By its Secretary, Revenue Department, Secretariat, Hyderabd.

2.The District Collector, Hyderabad District, Hyderabad.

3.The Mandal Revenue Officer, Sheikpet, Mandal, Banajara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents herein interfering construction activity of the petitioners in the premises bearing Municipal No.8-2-269/5/a on plot NO.1, part of Sy.No.129/97 (old) and Sy.No.403/22 (new) situated at Sagar Cooperative Housing Society Limited, Road No.2, Banjara Hills, Hyderabad in spite of the sanctioned plan of the Municipal Corporation of Hyderabad vide permit No.169/7 dated 23-10-2000, as illegal, arbitrary and unjust by issuing appropriate writ, order or direction.

Counsel for the Petitioners:MR. M.V.S. SURESH KUMAR

For the Respondents: GP FOR REVENUE

WRIT PETITION NO.5709 OF 2001:

Between:

1. **K.Ch. Subba Rao S/o Paradesaiah, aged about 44 years, Business, Resident of Navodaya Colony, Yellareddiguda, Hyderabad.**
2. **Kola Rama Devi W/o K.Ch.Subba Rao, aged 39 years, Housewife, R/o Navodaya colony, Yellareddiguda, Hyderabad.**
3. **R.Padmaraju, S/o R.L.N.P. Raju, aged about 42 years, Business, R/o Gudimula village, Sakhroethapally Mandal, E.G. District**

..... PETITIONERS

AND

1.Government of Andhra Pradesh Rep. By its Secretary, Revenue Department, Secretariat, Hyderabd.

2. The District Collector, Hyderabad District, Hyderabad.

3.The Mandal Revenue Officer, Sheikpet, Mandal, Banajara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ of mandamus declaring the action of the respondents herein in interfering with petitioners carrying on construction activity in the premises bearing No.8-2-269/5/15 on plot No.5923 and Sy.No.129/97 and 129/110 in the lay out of Sagar Cooperative Housing Society, situated atShaikpet village, Road No.2, Banjara Hills, Hyderabad in spite of the sanctioned plan of the Municipal Corporation of Hyderabad vide permit No.4/64/2002 in File No.269/S/15/2/8/2001 dated 19-3-2002, as illegal, arbitrary and unjust by issuing appropriate writ, order or direction.

Counsel for the Petitioners:MR.M.V.S. SURESH KUMAR

For the Respondents: GP FOR REVENUE

The Court made the following :

COMMON ORDER :

In all these matters, the petitioners claim to have purchased a piece of land in Survey Nos.129/97 and 129/110 of Sheikpet village either from the Sagar Cooperative Society or the members of the Sagar Cooperative Society. In some of the cases, they even obtained necessary sanction for construction of building. They allege that when the construction is being undertaken, the Mandal Revenue Officer, Sheikpet directed them to stop the construction activity and also threatened to initiate coercive action. Challenging the same all these writ petitions are filed.

This Court, while admitting the writ petitions passed interim directions directing the respondents not to interfere with the construction activity of the petitioners in their respective plots at Sagar Cooperative House Building Society in Survey Nos.129/97 and 129/110. In W.P.No.5709 of 2002 in which a similar interim order is passed, the respondents filed an application being W.V.M.P.No.900 of 2004 seeking vacation of the interim orders passed on 17-7-2002 in W.P.M.P.No.7163 of 2002. This matter

was listed yesterday. As it was brought to the notice of this Court that there are other similar matters wherein the Mandal Revenue Officer, Sheikpet village, high-handedly tried to prevent the construction activity, this Court directed all the matters to be listed for today. That is how the five matters have came up for being disposed of by this common order.

In the counter affidavit filed in W.P.No.5709 of 2002, it is stated that the land in Survey Nos.129/97 and 129/110 is a Government land, that the respondents have initiated action under Andhra Pradesh Land Grabbing (Prohibition) Act,1982 (for short 'the Act') and that L.G.C.No.21 of 1999 is pending on the file of the Special Court constituted under the said Act. Insofar as W.P.No.5709 of 2002, it is also stated that the petitioner herein has been arrayed as respondent No.62 in the said L.G.C., who has already filed Vakalat through his lawyer before the Special Court. It is also stated that Survey No.129/110 does not exist and Survey No.129/97 is claimed by the Government in L.G.C.No.21 of 1999.

In all these writ petitions, the grievance of the petitioners is that without any prior notice, the Mandal Revenue Officer is trying to interfere with the construction activity, though all the petitioners, allegedly obtained Municipal sanction from the Municipal Corporation of Hyderabad. In some of the cases, the petitioners are not even made parties to L.G.C.No.21 of 1999. If the Government has already initiated action under the Act, nothing prevented the Government to obtain appropriate interim orders prohibiting such construction on the disputed land. Instead of doing so, allegedly, the Mandal Revenue Officer is trying to prevent the construction activity, which cannot be approved.

Therefore, these writ petitions are disposed of declaring that the action of the Mandal Revenue Officer, Sheikpet, in preventing the construction activity would be illegal. It is, however, open to the respondents to approach the Special Court constituted under the Act and obtain appropriate orders regarding the construction that is being made by the petitioners, with or without sanction from the Municipal Corporation of Hyderabad. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Revenue Department, Secretariat,

Government of Andhra Pradesh Hyderabd.

2. The District Collector, Hyderabad District, Hyderabad.

3. The Mandal Revenue Officer, Sheikpet, Mandal, Banajara Hills,

Hyderabad.

4. 2CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

5. 2CD copies